



Atty. Docket No. 69,010-335
Serial No. 10/696,530

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Pierson et al.

Serial No.: 10/696,530 Group Art Unit: 3712
Filed: 10/29/03 Examiner: Ackun
For: SMART SMOKE UNIT
Atty. Dkt. No.: 69,010-335

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

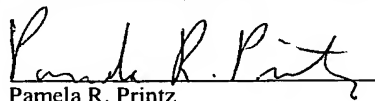
RESPONSE TO OFFICE ACTION PURSUANT TO 37 C.F.R. 1.111

Dear Sir:

This paper is responsive to the Office Action mailed April 15, 2004 and the telephone conference of September 2, 2004 between the Applicants' undersigned attorney and the Examiner. Applicants made a bona fide attempt to respond to the outstanding Office Action by filing a Response and Terminal Disclaimer on July 15, 2004. Applicants were then informed that its Terminal Disclaimer was not accepted as a signature for that portion of the Response was omitted. Accordingly, in accordance with the instructions of the Examiner from our telephone conference, Applicants are re-filing the Response and Terminal Disclaimer under separate covers to correct the above-stated omission.


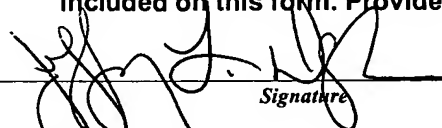
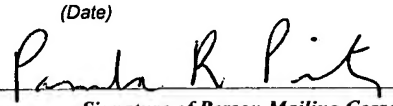
Certificate of First Class Mailing

I hereby certify that this Response to Office Action Pursuant to 37 C.F.R. 1.111 and Terminal Disclaimer under 37 C.F.R. 1.321(c) is being deposited with the United States Postal Service via regular First Class Mail delivery addressed to Mail Stop Amendment, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this 8th day of September, 2004.


Pamela R. Printz

Because Applicants made a bona fide attempt to advance the prosecution of this matter in accordance with 37 CFR § 1.111(b) by filing its initial response within three months of the issuance of the Office Action, Applicants do not believe this re-filed Response, which is being filed in lieu of the Examiner issuing a new Office Action, requires any fees for extensions of time. However, should the Office determine that any fees related to this matter, including extensions of time, are required, the Office is hereby authorized to charge any and all such fees to Deposit Account 04-2223.

Amendments to the Specification appear on page 3 of this paper; and
Remarks begin on page 4 of this paper.

AMENDMENT TRANSMITTAL LETTER (Small Entity)				Docket No. 69,010-335	
Applicant(s): Pierson, et al.					
Application No. 10/696,530	Filing Date 10/29/03	Examiner Ackun	Customer No. 26,127	Group Art Unit 3712	Confirmation No.
Invention: SMART SMOKE UNIT					
 COMMISSIONER FOR PATENTS:					
Transmitted herewith is an amendment in the above-identified application.					
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	7 -	22 =	0 x	\$9.00	\$0.00
INDEP. CLAIMS	1 -	3 =	0 x	\$43.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 04-2223 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
 _____ Signature			Dated: 09/08/04		
Jeffrey L. Doyle, Esq. Reg. No. 54,074 Dykema Gossett PLLC 39577 Woodward Avenue, Suite 300 Bloomfield Hills, MI 48304-2820 (248) 203-0782 ipmail@dykema.com			I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on 09/08/04 (Date)  _____ Signature of Person Mailing Correspondence Pamela R. Printz _____ Typed or Printed Name of Person Mailing Correspondence		
CC:					